

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 52, between lines 35 and 36, begin a new paragraph and insert:
- 2 "SECTION 59. IC 6-1.1-5.5-5, AS AMENDED BY P.L.154-2006,
- 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 APRIL 15, 2008 (RETROACTIVE)]: Sec. 5. (a) The department of
- 5 local government finance shall prescribe a sales disclosure form for use
- 6 under this chapter. The form prescribed by the department of local
- 7 government finance must include at least the following information:
- 8 (1) The key number of the parcel (as defined in IC 6-1.1-1-8.5).
- 9 (2) Whether the entire parcel is being conveyed.
- 10 (3) The address of the property.
- 11 (4) The date of the execution of the form.
- 12 (5) The date the property was transferred.
- 13 (6) Whether the transfer includes an interest in land or
- 14 improvements, or both.
- 15 (7) Whether the transfer includes personal property.
- 16 (8) An estimate of any personal property included in the transfer.
- 17 (9) The name, address, and telephone number of:
- 18 (A) each transferor and transferee; and
- 19 (B) the person that prepared the form.
- 20 (10) The mailing address to which the property tax bills or other
- 21 official correspondence should be sent.
- 22 (11) The ownership interest transferred.
- 23 (12) The classification of the property (as residential, commercial,

1 industrial, agricultural, vacant land, or other).

2 (13) The total price actually paid or required to be paid in
3 exchange for the conveyance, whether in terms of money,
4 property, a service, an agreement, or other consideration, but
5 excluding tax payments and payments for legal and other services
6 that are incidental to the conveyance.

7 (14) The terms of seller provided financing, such as interest rate,
8 points, type of loan, amount of loan, and amortization period, and
9 whether the borrower is personally liable for repayment of the
10 loan.

11 (15) Any family or business relationship existing between the
12 transferor and the transferee.

13 **(16) The information required for a person to apply for a**
14 **standard deduction under IC 6-1.1-12-37.**

15 ~~(+6)~~ (17) Other information as required by the department of local
16 government finance to carry out this chapter.

17 If a form under this section includes the telephone number or the Social
18 Security number of a party, the telephone number or the Social Security
19 number is confidential.

20 (b) The instructions for completing the form described in subsection
21 (a) must include the information described in IC 6-1.1-12-43(c)(1).".

22 Page 68, line 41, after "located." insert "**A sales disclosure form**
23 **under IC 6-1.1-5.5 that contains the information required by this**
24 **section shall be treated as a certified statement that complies with**
25 **this section.**".

26 Page 69, line 2, delete "With respect to real property, the statement".

27 Page 69, delete lines 3 through 8.

28 Page 69, line 9, delete "which the individual wishes to obtain the
29 deduction." and insert "**The statement may be filed at any time. The**
30 **deduction applies prospectively only to assessment dates for which**
31 **no installment of property taxes has become first due and payable**
32 **before the filing of the statement.**".

33 Page 69, line 10, after "person" insert ", by an agent of the
34 person,".

35 Page 69, delete lines 17 through 26, begin a new paragraph and
36 insert:

37 **"(h) The application of a deduction granted for a statement filed**
38 **after the setting of tax rates and tax levies results in a reduction of**
39 **the property tax collections of each political subdivision in which**
40 **the deduction and any credit under IC 6-1.1-20.4, IC 6-1.1-20.6,**
41 **IC 6-3.5-6, or IC 6-3.5-7 that the deduction qualifies the taxpayer**
42 **to receive is applied. A political subdivision may not increase its**
43 **property tax levy to make up for that reduction. The county**
44 **auditor shall in each calendar year notify each political subdivision**
45 **in which the deduction is applied of the reduction of property tax**
46 **collections. A political subdivision may not borrow money to**

1 compensate the political subdivision or any other political
 2 subdivision for the reduction of property tax collections. The
 3 county auditor shall correct the tax duplicate and any statements
 4 prepared for the affected property under IC 6-1.1-22-8 or
 5 IC 6-1.1-22.5 in the manner provided for the correction of errors
 6 under IC 6-1.1-15-12."

7 Page 70, between lines 18 and 19, begin a new paragraph and insert:

8 "(l) Notwithstanding subsection (b), an individual who:

9 (1) after the assessment date for a particular year:

10 (A) becomes the owner of the individual's homestead;

11 (B) is purchasing the individual's homestead under a
 12 contract that is recorded in the office of county recorder
 13 and provides that the individual is to pay the property
 14 taxes on the homestead; or

15 (C) has a beneficial interest in a trust that becomes the
 16 owner of a homestead or enters into a contract to purchase
 17 a homestead that is recorded in the office of county
 18 recorder and provides that the trust or a resident of the
 19 homestead is to pay the property taxes on the homestead;
 20 and

21 (2) was eligible for a standard deduction under this section on
 22 another property for the same assessment date;

23 is entitled to transfer the individual's eligibility for a standard
 24 deduction for the property described in subdivision (2) to the
 25 property described in subdivision (1). To be eligible to transfer
 26 eligibility for the standard deduction, the individual must file a
 27 certified statement requesting the transfer in the manner provided
 28 in subsection (f). If eligibility for a standard deduction is
 29 transferred, the property described in subdivision (2) is not eligible
 30 for a standard deduction based on the individual's residence at the
 31 property and the property described in subdivision (1) is eligible
 32 for a standard deduction to the same extent as if the individual had
 33 resided at the property on the assessment date. If both properties
 34 are not located in the same county, the county auditor of the county
 35 in which the property described in subdivision (1) is located shall
 36 notify the county auditor of the county in which the property
 37 described in subdivision (2) is located of the transfer."

38 Page 124, line 6, delete "UPON PASSAGE]" and insert
 39 "SEPTEMBER 30, 2007 (RETROACTIVE)]".

40 Page 124, line 12, strike "With respect to real".

41 Page 124, strike lines 13 through 18.

42 Page 124, line 19, strike "individual wishes to obtain the credit." and
 43 insert "A certified statement may be filed at any time before the
 44 first installment of taxes due for the March 1, 2007, and January
 45 15, 2008, assessment dates is first due and payable. The credit
 46 applies prospectively only to the property taxes imposed for an
 47 assessment date only if no installment of property taxes has become

1 **first due and payable for that assessment date before the filing of**
 2 **the statement."**

3 Page 124, delete lines 26 through 32, begin a new paragraph and
 4 insert:

5 **"(c) This subsection applies to a credit granted for a certified**
 6 **statement filed under this section after the setting of tax rates and**
 7 **tax levies. The credit results in a reduction of the property tax**
 8 **collections of each political subdivision in which the credit and any**
 9 **other credit under IC 6-1.1-20.4, IC 6-1.1-20.6, IC 6-3.5-6, or**
 10 **IC 6-3.5-7 that the credit qualifies the taxpayer to receive is**
 11 **applied. A political subdivision is not entitled to an additional**
 12 **distribution under IC 6-1.1-21 (before its repeal) to replace**
 13 **revenue lost as the result of the application of the credit. A political**
 14 **subdivision may not increase its property tax levy to make up for**
 15 **that reduction. The county auditor shall in each calendar year**
 16 **notify each political subdivision in which the deduction is applied**
 17 **of the reduction of property tax collections. A political subdivision**
 18 **may not borrow money to compensate the political subdivision or**
 19 **any other political subdivision for the reduction of property tax**
 20 **collections. The county auditor shall correct the tax duplicate and**
 21 **any statements prepared for the affected property under**
 22 **IC 6-1.1-22-8 or IC 6-1.1-22.5 in the manner provided for the**
 23 **correction of errors under IC 6-1.1-15-12."**

24 Page 125, between lines 11 and 12, begin a new paragraph and
 25 insert:

26 **"(f) An individual who:**

27 **(1) after the assessment date for a particular year:**

28 **(A) becomes the owner of the individual's homestead;**

29 **(B) is purchasing the individual's homestead under a**
 30 **contract that is recorded in the office of county recorder**
 31 **and provides that the individual is to pay the property**
 32 **taxes on the homestead; or**

33 **(C) has a beneficial interest in a trust that becomes the**
 34 **owner of a homestead or enters into a contract to purchase**
 35 **a homestead that is recorded in the office of county**
 36 **recorder and provides that the trust or a resident of the**
 37 **homestead is to pay the property taxes on the homestead;**
 38 **and**

39 **(2) was eligible for a homestead credit under this chapter on**
 40 **another property for the same assessment date;**

41 **is entitled to transfer the individual's eligibility for a homestead**
 42 **credit for the property described in subdivision (2) to the property**
 43 **described in subdivision (1). To be eligible to transfer eligibility for**
 44 **the homestead credit, the individual must file a certified statement**
 45 **requesting the transfer in the manner provided in subsection (a).**
 46 **If eligibility for a homestead credit is transferred, the property**
 47 **described in subdivision (2) is not eligible for a homestead credit**

1 based on the individual's residence at the property and the
 2 property described in subdivision (1) is eligible for a homestead
 3 credit to the same extent as if the individual had resided at the
 4 property on the assessment date. If both properties are not located
 5 in the same county, the county auditor of the county in which the
 6 property described in subdivision (1) is located shall notify the
 7 county auditor of the county in which the property described in
 8 subdivision (2) is located of the transfer."

9 Page 253, between lines 31 and 32, begin a new paragraph and
 10 insert:

11 "SECTION 251. [EFFECTIVE UPON PASSAGE] (a) This
 12 SECTION applies to 2007 property taxes and 2008 property taxes
 13 imposed on a homestead whenever an individual is not otherwise
 14 eligible for a homestead credit under IC 6-1.1-20.9 (as effective
 15 before January 1, 2009).

16 (b) The definitions in IC 6-1.1 apply throughout this SECTION.
 17 The following definitions in this subsection apply throughout this
 18 SECTION:

19 (1) "2007 property taxes" refers to property tax liability
 20 imposed on real property used as a principal place of
 21 residence by an owner on the March 1, 2006, assessment date.

22 (2) "2008 property taxes" refers to property tax liability
 23 imposed on real property used as a principal place of
 24 residence by an owner on the March 1, 2007, assessment date.

25 (3) "Homestead credit" refers to a state funded homestead
 26 credit granted under IC 6-1.1-20.9, P.L.234-2007, or another
 27 law.

28 (4) "Property tax liability" refers to property tax liability (as
 29 defined in IC 6-1.1-21-5).

30 (5) "Sales disclosure form" refers to a form filed under
 31 IC 6-1.1-5.5.

32 (c) Notwithstanding IC 6-1.1-20.9-3, as effective for the year in
 33 which an appeal is filed under this SECTION, and any other law,
 34 an individual shall be treated as filing a certified statement
 35 requesting a homestead credit against 2007 property taxes or 2008
 36 property taxes, or both, imposed on a homestead if an individual:

37 (1) files a written request for a homestead credit in the
 38 manner specified by this SECTION; and

39 (2) is identified as a buyer of property in a sales disclosure
 40 form that:

41 (A) was filed under IC 6-1.1-5.5; and

42 (B) indicates that the property will be the individual's
 43 primary residence on an assessment date for which 2007
 44 property taxes or 2008 property taxes, or both, were
 45 imposed.

46 (d) An individual may appeal to a county auditor for a
 47 homestead credit for 2007 property taxes or 2008 property taxes,

or both, imposed on the individual's homestead in the same manner that a taxpayer would appeal for the correction of a mathematical error in computing taxes under IC 6-1.1-15-12. The individual must submit facts to the county auditor demonstrating that:

(1) the sole reason that the individual is not entitled to the homestead credit is that the individual failed to file a timely certified statement requesting a homestead credit against the property taxes within the time required under IC 6-1.1-20.9, as effective for the year in which the credit is first claimed; and

(2) the individual is identified as a buyer of property in a sales disclosure form that:

(A) was filed under IC 6-1.1-5.5; and

(B) indicates that the property will be the individual's primary residence on an assessment date for which 2007 property taxes or 2008 property taxes, or both, were imposed.

The appeal must be filed before January 1, 2009. The county auditor shall treat the appeal petition as if the appeal petition had been a timely filed certified statement under IC 6-1.1-20.9-3, as effective for the year in which the credit is first claimed under this SECTION. The county auditor shall grant a homestead credit against 2007 property taxes or 2008 property taxes, or both, whenever the applicant would have qualified for a homestead credit for the year had a timely application for the homestead credit been filed.

(e) This subsection applies to a credit granted for an appeal filed under this SECTION after the setting of tax rates and tax levies for a particular year to which the appeal applies. The credit results in a reduction of the property tax collections of each political subdivision in which the credit and any other credit under IC 6-1.1-20.4, IC 6-1.1-20.6, IC 6-3.5-6, or IC 6-3.5-7 that the credit qualifies the taxpayer to receive is applied. A political subdivision is not entitled to an additional distribution under IC 6-1.1-21 (before its repeal) to replace revenue lost as the result of the application of the credit. A political subdivision may not increase its property tax levy to make up for that reduction. The county auditor shall in each calendar year notify each political subdivision in which the deduction is applied of the reduction of property tax collections. A political subdivision may not borrow money to compensate the political subdivision or any other political subdivision for the reduction of property tax collections. The county auditor shall correct the tax duplicate and any statements prepared for the affected property under IC 6-1.1-22-8 or IC 6-1.1-22.5 in the manner provided for the correction of errors under IC 6-1.1-15-12. A homestead that is eligible for a homestead credit for a particular year under this SECTION is eligible for a

1 standard deduction under IC 6-1.1-12-37 for the same year. The
2 homestead is not eligible for homestead credits under IC 6-1.1-20.4,
3 IC 6-3.5-6, or IC 6-3.5-7 or credits granted to homesteads under
4 IC 6-1.1-20.6 for 2007 property taxes or 2008 property taxes. The
5 homestead is eligible for deductions under IC 6-1.1-12-37,
6 IC 6-1.1-12-37.5, and homestead credits under IC 6-1.1-20.4,
7 IC 6-3.5-6, or IC 6-3.5-7 in each subsequent year that the
8 homestead continues to qualify for the deduction or credit without
9 filing an additional application.

10 (f) Before April 15, 2008, the department of local government
11 finance shall redesign and make electronically available a sales
12 disclosure form that permits the sales disclosure form to be treated
13 as an application form for a standard deduction under
14 IC 6-1.1-12-37."

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 17, 2008.)

Representative Smith M